

# PROCLAMATION

BY THE

Governor of the State of Texas

41-1807

TO ALL TO WHOM THESE PRESENTS SHALL COME:

June 18, 1981


Pursuant to Article IV, Section 14 of the Constitution of Texas, I hereby veto Senate Bill 12, for the following reasons:

Senate Bill 12 provides no checks and balances or oversights over payments to court-appointed counsel. The court, that is, the judge, shall certify the amount he deems appropriate to be paid the court-appointed counsel. Once the Comptroller of Public Accounts receives the certification, then he is mandated to issue a warrant to the court-appointed counsel in that amount. Further, it provides that the warrant may be drawn from the Criminal Justice Planning Fund, with absolutely no say so from the Criminal Justice Advisory Board.

The bill would shift responsibility for payment of court-appointed counsel in capital cases to the state rather than being borne by the local community in which the offense has occurred as has been the historical practice. It should be noted that in the past where a county had severe financial limitations and such trial could have bankrupted the county, the Criminal Justice Division has provided funds through a grant not only for the payment of court-appointed counsel, but also all associated expenses of the trial -- all with proper input from the Criminal Justice Division.

For the lack of checks and balances, I veto Senate Bill 12.

Respectfully,

  
William P. Clements, Jr.  
Governor



Filed in the Office of  
Secretary of State

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Statutory Documents Div.